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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,300	09/29/1999	THOMAS CONNELLY	P/2167-101	5170

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,300

Applicant(s)

CONNELLY, THOMAS

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,17-31,36-41 and 44-71 is/are rejected.
- 7) ☐ Claim(s) 2-3, 12-16, 32-35, 42-43, 72-76 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-76 are presented for examination.

Claim Objections

Claim 42 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

As to claim 42, the system of claim 42 should dependent on the system of claim 41.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 - 40 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claim 1 is directed to method step, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, providing, adjusting and computing, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 21061). Therefore, the claimed invention is directed to non-statutory subject matter. (The

Art Unit: 2126

examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 17, 19, 20, 23, 28-31, 36-41, 44, 45, 46, 59, 60, 63, 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212,792).

5. As to claim 1, Hall teaches the invention substantially as claimed including a message (MINE message 302, col 5, ln 59-67 to col 6, ln 1-30), a first application, second application (client 300, col 5, ln 59-67), a transport infrastructure (first protocol/ SNADS routers, col 3, ln 2-32/ SNADS network, col 6, ln 1-30), a first service identifier (a first format/ address according to format I, col 3, ln 40-67/ recipient, col 5, ln 62-63), generating a first service identifier associated with the second application(col 3, ln 41-47/ col 8, ln 39-41 and ln 50-52), a first set of parameters from a first directory using the first service identifier(col 3, ln 43-48 / col 5, ln 60-67/ col 6, ln 31-35/ col 8, ln 49-52), the first set of parameter (a tunnel-to attribute/ recipient e-mail address, col 5, ln 59-67 to col 6, ln 1-30), the first set of parameters being required by the

Art Unit: 2126

transport infrastructure to transmit the message from the first application to the second application(col 8, ln 41-46/ col 5, ln 63-67/col 6, ln 31-35), a first directory (directory 304, col 5, ln 59-67 to col 6, ln 1-30), second application(local or remote, col 3, ln 40-67/ a first destination client, col 8, ln 35-60).

6. Hall does not teach the term passing the retrieved first set of parameters to the transport. However, Gerety teaches passing the retrieved first set of parameters to the transport (open a channel to the tool and then to forward the invocation command contained in the initialization table to the tool, col 13, ln 65-68).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Hall and Gerety because Gerety's passing the retrieved first set of parameters to the transport would select the recipient software tools for transferring the message.

8. As to **claim 4**, Hall does not teach the message is conveyed asynchronously. However, Gerety teach asynchronously (asynchronous transmission, col 10, ln 35-47).

9. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Hall and Gerety because Gerety's asynchronously would make the application independent messaging system more consistent.

10. As to **claim 17**, Hall teaches routing information with respect to the second application (a SNADS recipient e-mail address, col 5, ln 59-67).

11. As to **claim 19**, Hall teaches the first directory (directory 302, col 5, ln 53-67), a plurality of set of parameters (a SNADS recipient e-mail address, col 5, ln 53-67), the first service identifier (address resolution program 306, col 5, ln 59-67).
12. As to **claim 20**, Hall teaches the message prior (first message, col 8, ln 40-67), the second application (first destination client, col 8, ln 40-67).
13. As to **claim 23**, Hall teaches a control block (object distribution control block (ODCB 320, col 6, ln 31-41/ Fig. 7).
14. As to **claims 28, 29, 30, 31**, Hall teaches first protocol/ SNADS routers, col 3, ln 2-32/ SNADS network, col 6, ln 1-30), message (MINE message 302, col 5, ln 59-67 to col 6, ln 1-30).
15. Hall does not teach conveying the message to an intermediate Message Processing Server (MPS). However, Gerety teaches conveying the message to an intermediate Message Processing Server (MPS) (message server, col 6, ln 5-26, ln 55-67/col 10, ln 15-67).
16. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Hall and Gerety because Gerety's conveying the message to an intermediate Message Processing Server (MPS) would ensure that a tool is available to service every request from another tool.
17. As to **claim 36**, Hall teaches the first application/the second application/ a third application (local or remote, col 3, ln 40-67/ a first destination client, col 8, ln 35-60/ system, col 7, ln 1-29 / client 300, col 5, ln 59-67), the message (message 316, col 7, ln 1-29), a transport infrastructure (first protocol/ SNADS routers, col 3, ln 2-32/ SNADS network, col 6, ln 1-20).

Art Unit: 2126

18. As to claims 37, 38, they are apparatus claims of claims 1 and 2; therefore, they are rejected for the same reasons as claims 1 and 2 above.

19. As to claim 39, Hall teaches the routing of the message is determined based on the content of the message (an address resolution procedure, recognizing this message ... is local or remote, col 3, ln 40-80).

20. As to claim 40, it is an apparatus claim of claims 1, 2; therefore, it is rejected for the same reasons as claims 1 and 2 above.

21. As to claim 41, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Gerety teaches message server (col 6, ln 5-26, ln 55-67/col 10, ln 15-67), a software tool is not in operation for servicing (col 15, ln 40-45).

22. As to claim 44, it is an apparatus claim of claim 4; therefore, it is rejected for the same reason as claim 4 above.

23. As to claim 45, Hall teaches set of parameter (a tunneling attribute, col 3, ln 40-47), the first directory (a directory, col 3, ln 40-47).

24. As to claim 46, Gerety teaches default parameters (default ... relating to each software tool in the system (col 11, ln 30-38).

25. As to claim 59, it is an apparatus claim of claim 17; therefore, it is rejected for the same reason as claim 17 above.

26. As to claim 60, Gerety teaches the message server selectively forwards each message (col 6, ln 5-14).

27. As to claims 63, 68, 69, 70, 71, they are apparatus claims of claims 23, 28, 29, 30, 31; therefore, they are rejected for the same reasons as claims 23, 28, 29, 30, 31 above.

28. Claims 5-11, 18, 47-52, 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) as applied to claim 1 above and further in view of Garcia et al (US. Patent 6,470,357 B1).

29. As to claim 5, Hall teaches the first directory (directory 304, fig. 5).

30. Hall and Gerety do not teach updating the first directory. However, Garcia teaches updating the first directory (update an EDS database 123, col 5, ln 20-67).

31. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine teaching of Hall, Gerety and Garcia because Garcia's update an EDS database 123 would retrieve information from directory services such that the application does not need to track and monitor the information about the requested application.

32. As to claim 6, Hall does not explicit teach the term a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application/ a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application. However, Garcia teaches the term a updating of the first directory is in response to a change with respect to the second application do not necessitate any modification the first application/ a updating of the first directory is in response to a change with respect to the second application do not necessitate

Art Unit: 2126

any modification the first application (the EDS API 420 writes the update entry into the ESD database 302 and automatically into the EDS database 304,...the EDS API 410 loads a new copy of the EDS database 304 into the local directory service 421, col 7, ln 1-35, Fig. 4).

33. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine teaching of Hall, Gerety and Garcia because Garcia's the EDS API 420 writes the update entry into the ESD database 302 and automatically into the EDS database 304,...the EDS API 410 loads a new copy of the EDS database 304 into the local directory service 42 would provide enhanced directory service to retrieve message routing information without maintaining routing and characteristic information for each target application.

34. As to claims 7, 8, 9,10, 11, Garcia teaches the a change in location, a change in platform, a change in default setting, a change in the desired operation of the transport infrastructure, a change with respect to the transport infrastructure, a change in priority of message, change in a physical configuration, a interface, a software component, message routing (change in application entity tiles, the location of TMN application in network, parameters, col 4, ln 1-15).

35. As to claim 18, Garcia teaches the first service identifier to perform a loop-up (the message server traverses the pattern tree only one to identify all tolls, which have requested the received message, col 9, ln 1-61).

36. As to claims 47-52, 54-58, they are apparatus claims of claims 5, 7, 9, 10, 6, 13- 16; therefore, they are rejected for the same reasons as claims 5, 7, 9, 10, 6, 13- 16, above.

Art Unit: 2126

37. Claims **21, 22, 61, 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) as applied to claim 1 above and further in view of Hirachi (Track circuit system used in train detector an train operation control system-has controller that detects location of train based on input signal of transceivers arranged on every area unit of track.

38. As to claims **21, 22**, Hall and Gerety do not teach tracing a message, reconciling message. However, Hirachi teaches tracing a message, reconciling message (message can be adjusted, track circuit, page 2).

39. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine teaching of Hall, Gerety and Hirachi because Hirachi's message can be adjusted, track circuit would control system-detecting location of message.

40. As to claims **61, 62**, they are apparatus claims of claims 21 and 22; therefore, they are rejected for the same reasons as claims 21 and 22 above.

41. Claims **24, 25, 64, 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) as applied to claim 1 above and further in view of OTA Michihiko (Message communication system).

42. As to claims **24, 25**, Hall and Gerety do not explicit teach control block, a flag, a logical unit of Work, a persistence setting. However, Michihiko teaches control block, a flag, a logical

Art Unit: 2126

unit of Work, a persistence setting (control block, a flag, a logical unit of Work, a persistence setting, control block TCB3, a buffer, flag, flag 1-1 kept turned on, page 1).

43. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Hall, Gerety and Michihiko because the Michihiko's control block, a flag, a logical unit of Work, a persistence setting, control block TCB3, a buffer, flag, flag 1-1 kept turned on would make the application independent messaging system more consistent.

44. As to claims 64, 65, they are apparatus claims of claims 24, 25; therefore, they are rejected for the same reasons as claims 24, 25 above.

45. Claims 26, 53, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) as applied to claim 1 above and further in view of Fukarsu Sadao et al (communication system between processes).

46. As to claim 26, Hall and Gerety do not teach a priority of message indication being contained in the control block. However, Sadao teaches a priority of message indication being contained in the control block (a packet entry of control block has priority for transferring a process, page 1).

47. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching Hall, Gerety and Sadao because the Sadao's a packet entry of

Art Unit: 2126

control block has priority for transferring a process would make the application independent messaging system more consistent.

48. As to **claims 53, 66**, they are apparatus claims of claim 26; therefore, they are rejected for the same reason as claim 26 above.

49. Claims **27, 67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (US. Patent 5,826,023) in view of Gerety et al (US. Patent 5,212, 792) as applied to claim 1 above and further in view of Toshiba (Information processor e.g. personal computer (PC) - has message display unit which displays message stored in help table corresponding to indicated button, when event process unit detects that there is indication to button selected to override).

50. As to **claim 27**, Hall and Gerety do not teach override parameter. However, Toshiba teaches override parameter (the message about the reason for selection to override, page 1).

51. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching Hall, Gerety and Toshiba because Toshiba's the message about the reason for selection to override would make the application independent messaging system more consistent.

52. As to **claim 67**, it is an apparatus claim of claim 27; therefore, it is rejected as the same reason as claim 27 above.

Allowable Subject Matter

53. Claims 2, 12-15, 32-35, 42-43, 72-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

March 4, 2005


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 210